

#6

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
Metal 1278.1-WCGFirst named inventor: **Wolfram Gruhlke**Application No.: **09/554,781 (PCT/EP98/07619)**Group Art Unit: **Unassigned**Filed: **28 November 1998 (International Filing Date)**Examiner: **Unassigned**Title: **SLAG CRUSHER****FAX RECEIVED****NOV 15 2001****PETITIONS OFFICE**Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,280 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in  
the form of Translation, Declaration, Fees and Surcharges (identify type of reply):☒ has been filed previously on April 13, 2001  
☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

04/04/2002 LLANDGRA 00000051 141263 09554781

01 FC:141

1280.00 CH

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## 3. Terminal disclaimer with disclaimer fee

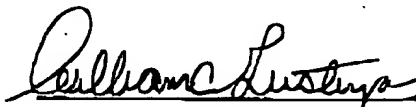
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

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11/15/01

Date

  
Signature

Telephone

Number: 212-808-0700William C. Gerstenzang

Typed or printed name

Norris McLaughlin & Marcus P.A.

Address

Enclosures: ☒ Fee Payment220 East 42nd Street, 30th FL, N.Y., N.Y. 10017☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

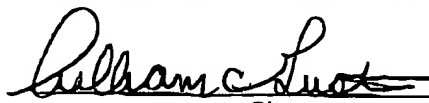
I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

November 15, 2001

Date

  
SignatureWilliam C. Gerstenzang

Type or printed name of person signing certificate

H-6

**FACSIMILE COVER SHEET**

NORRIS MCLAUGHLIN & MARCUS, P.A.  
220 EAST 42<sup>ND</sup> STREET  
NEW YORK, NEW YORK 10017  
PHONE: (212) 808-0700  
FAX: (212) 808-0844

**RECEIVED**

22 MAR 2002

Legal Staff  
International Division

DATE : November 15, 2001  
TO : Assistant Commissioner for Patents  
Washington, D.C. 20231  
FAX NO. : 1-703-308-6916  
SERIAL NO.: 09/554,781 (PCT/EP98/07619)  
DOCKET NO.: Metal 1278.1-WCG

**FAX RECEIVED**

NOV 15 2001

PETITIONS OFFICE

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 4**DESCRIPTION:**

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

- Petition For Revival Of An Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) - 2 pages
- Fee Transmittal Form - 1 page

By William C. LustigDate 11/15/01

PTO/SB/17 (XX-JXX)

Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/554,781 (PCT/EP98/07619)
Filing Date	28 November 1998 (Int'l Filing Date)
First Named Inventor	Wolfram Gruhlke
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	Metal 1278.1-WCG

FAX RECEIVED

NOV 15 2001

TOTAL AMOUNT OF PAYMENT

\$1,280.00

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number  
Deposit Account Name

14-1263

- ☒
- Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR § 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description  
Code (\$) Code (\$)

101 740 201 370 Utility filing fee

106 330 206 165 Design filing fee

107 510 207 255 Plant filing fee

108 740 208 370 Reissue filing fee

114 160 214 80 Provisional filing fee

Fee Paid

SUBTOTAL (1)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** = 0	X	0.00
Multiple Dependent	-3** = 0	X	0.00

Large Entity Small Entity

Fee Fee Fee Fee Fee Description  
Code (\$) Code (\$)

103 18 203 9 Claims in excess of 20

102 84 202 42 Independent claims in excess of 3

104 280 204 140 Multiple dependent claim, if not paid

109 84 209 42 \*\* Reissue independent claims over original patent

110 18 210 9 \*\* Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

\$0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

PETITION'S OFFICE

**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description  
Code (\$) Code (\$)

105 130 205 65 Surcharge - late filing fee or oath

127 50 227 25 Surcharge - late provisional filing fee or cover sheet

139 130 139 130 Non - English specification

147 2,520 147 2,520 For filing a request for *ex parte* reexamination

112 920\* 112 920\* Requesting publication of SIR prior to Examiner action

113 1,840\* 113 1,840\* Requesting publication of SIR after Examiner action

115 110 215 55 Extension for reply within first month

116 400 216 200 Extension for reply within second month

117 920 217 460 Extension for reply within third month

118 1,440 218 720 Extension for reply within fourth month

128 1,960 228 980 Extension for reply within fifth month

119 320 219 160 Notice of Appeal

120 320 220 160 Filing a brief in support of an appeal

121 280 221 140 Request for oral hearing

138 1,510 138 1,510 Petition to institute a public use proceeding

140 110 240 55 Petition to revive - unavoidable

141 1,280 241 640 Petition to revive - unintentional

142 1,280 242 640 Utility issue fee (or reissue)

143 460 243 230 Design issue fee

144 620 244 310 Plant issue fee

122 130 122 130 Petitions to the Commissioner

123 50 123 50 Processing fee under 37 CFR § 1.17(q)

126 180 126 180 Submission of Information Disclosure Statement

581 40 581 40 Recording each patent assignment per property (times number of properties)

146 740 246 370 Filing a submission after final rejection (37 CFR § 1.129(a))

149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b))

179 740 279 370 Request for Continued Examination (RCE)

189 900 189 900 Request for expedited examination of a design application

Other fee (specify)

SUBTOTAL (3)

\$1,280.00

**SUBMITTED BY**

Name (Print/Type)

William C. Gertszang

Registration No.  
(Attorney/Agent)

27,552

**Complete if applicable**

Telephone

212-808-0700

Signature

Date

November 15, 2001

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